

Application No. 10/020,425

Supplemental Response to Final Office Action of October 22, 2003

MTS-520US2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/020,425
Applicants: Mitsuaki Oshima et al.
Filed: December 7, 2001
Title: MARK FORMING APPARATUS, METHOD OF FORMING LASER
MARK ON OPTICAL DISK, REPRODUCING APPARATUS, OPTICAL
DISK AND METHOD OF PRODUCING OPTICAL DISK

TC/A.U.: 2134
Examiner: Paul E. Callahan
Confirmation No.: 8994
Docket No.: MTS-520US2

SUPPLEMENTAL RESPONSE TO FINAL OFFICIAL ACTION
DATED OCTOBER 22, 2003

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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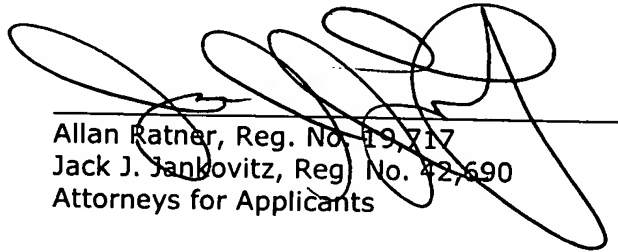
This is a Supplemental Response to the Final Office Action dated October 22, 2003.

In the first Response (mailed January 7, 2004) to this Final Office Action, Applicants requested, at page 3 of the Response, that the Examiner acknowledge an enclosed copy of an IDS filed on February 24, 2003 (with a **partial** English translation), after the Examiner receives a **complete** English translation of Japanese Official Action, for Japanese Patent Application JP 2002-235948.

Applicants are now enclosing a complete English translation of this Japanese Official Action. Applicants respectfully request that the Examiner acknowledge the IDS filed on February 24, 2003.

Respectfully submitted,

RatnerPrestia



Allan Ratner, Reg. No. 19,717
Jack J. Jankovitz, Reg. No. 42,690
Attorneys for Applicants

JJJ/kc

Enclosure: Translation of Japanese Office Action

Dated: January 9, 2004

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(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on:

January 9, 2004



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NOTICE OF REJECTION

Patent Application Number: Patent Application No. 2002-235948

Drafting Date: November 11, 2002

Examiner of Patent Office: Kenichi Saito 3046 5D00

Attorney of Patent Applicant: Mr. Masamichi Matsuda

Clauses of Application: Section 29(2), Section 36

The present application is to be rejected due to the following reasons. Should the applicant wish to make any statements thereto, the applicant is invited to submit Arguments within 60 days from the date of mailing of this Notice.

REASONS

[1]

The descriptions of the specification and the drawings do not satisfy requirements as regulated by the Patent Law Section 36(4) and (6).

NOTES

While it is recited in Claim 1 that "barcode patterns are recorded on areas that can be read by a pickup", the fact that whether something can be read by a pickup is dependent on the performance of a reproducing device, and it is not obvious from the above descriptions at which portion of the optical disk the barcodes are to be disposed.

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The same applies also to Claim 3.

The relationship between the "second information recording layer" and the "information recording layer" in Claim 2 is unclear.

The same applies also to Claim 4.

Accordingly, the inventions according to Claims 1 to 4 are not apparent.

[2]

Since the inventions according to the following claims of the present application could have been easily invented on the basis of inventions described in the following distributed publications in Japan or elsewhere prior to the filing of the patent application by a person with ordinary skill in the art in the technical field the invention belongs to prior to the filing of the application, they can not be patented due to the regulations of the Patent Law Section 29(2).

NOTES (See list of Cited References etc. for cited references and the like)

Claims: 1, 2, 5, 6

Cited References: 1 or 2

REMARKS:

Document 1 discloses an optical disk including a data recording area and a characteristic data recording area and a reproducing device for the optical disk, wherein mode information

of optical disks is stored on the characteristic data recording area in form of barcodes, and wherein the reproducing device reproduces the data recording area and the characteristic data recording area by using the same optical pickup.

In the cited document 2, description is given of the invention directed to an optical disk on which disk information is recorded with bar codes and to a reproduction device for the optical disk, wherein further description is given of a technique that the bar codes and other data are reproduced with a single pick-up.

Claims: 3 and 4

Cited documents and others: 1 and 3 to 5 or 2 to 5

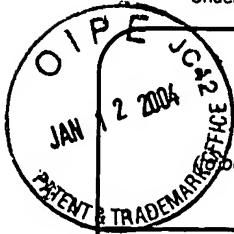
Note:

A method for recording auxiliary information with bar codes on an optical disk is a well-known technique. (Please refer to cited documents 3 to 5, when required.)

List of Cited Reference

1. JP laid-open No. 3-116441
2. JP laid-open No. 3-78178
3. JP laid-open No. 58-211343
4. JP laid-open No. 61-248250
5. JP laid-open No. 2-56750

APR 2100



TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission 11

Application Number	10/020,425
Filing Date	December 7, 2001
First Named Inventor	Mitsuaki Oshima
Art Unit	2134
Examiner Name	Paul E. Callahan
Attorney Docket No.	MTS-520US2

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (Supplemental) <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): English translation of Japanese Office Action Return Postcard
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Remarks:

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual	Jack J. Jankovitz	Registration No. (Attorney/Agent)	42,690
Signature			
Date	January 9, 2004		

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

January 9, 2004

Name (Print/Type)	Jack J. Jankovitz
Signature	
Date	January 9, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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JP Serial No. 2002-235948

Partial English Translation of an Office Action from the JPO



In the cited document 2, description is given of the invention directed to an optical disk on which disk information is recorded with bar codes and to a reproduction device for the optical disk, wherein further description is given of a technique that the bar codes and other data are reproduced with a single pick-up.

Claims: 3 and 4

Cited documents and others: 1 and 3 to 5 or 2 to 5

Note:

A method for recording auxiliary information with bar codes on an optical disk is a well-known technique. (Please refer to cited documents 3 to 5, when required.)

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発送番号 38-1175

発送日 平成14年11月19日 1 / 3



拒絶理由通知書

特許出願の番号

特願2002-235948

起案日

平成14年11月11日

特許庁審査官

齊藤 健一

3046 5D00

特許出願人代理人

松田 正道 様

適用条文

第29条第2項、第36条

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

理 由

[1]

この出願は、明細書及び図面の記載が下記の点で、特許法第36条第4項及び第6項に規定する要件を満たしていない。

記

請求項1には、「ピックアップによって読み取り可能な領域にバーコードパターンが記録されている」と記載されているが、ピックアップで読み取り可能か否かは、再生装置の性能に依存することであり、上記記載からは光ディスクのどの部分にバーコードを配置するのかが不明である。

請求項3についても同様のことがいえる。

請求項2の「第2の情報記録層」と「情報記録層」との関係が不明である。

請求項4についても同様のことがいえる。

したがって、請求項1乃至4に係る発明は明確でない。

[2]

この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の刊行物に記載された発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

請求項：1, 2, 5, 6

引用文献等：1又は2

備考：

文献1には、データ記録エリアと特性データ記録エリアとを備えた光ディスク及び該光ディスクの再生装置が記載されており、特性データ記録エリアには、光ディスクのモード情報がバーコードで記録され、前記再生装置はデータ記録エリアと特性データ記録エリアとを同一の光ピックアップで再生することが記載されている。

文献2には、ディスク情報をバーコードで記録した光ディスク及び該光ディスクの再生装置についての発明が記載されており、単一のピックアップでバーコードとその他のデータとを再生することが記載されている。

請求項：3, 4

引用文献等：1及び3乃至5、又は、2乃至5

備考：

光ディスクにバーコードで副情報を記録する方法は周知技術である。(必要であれば文献3乃至5を参照。)

引用文献等一覧 (Cited References)

1. 特開平 3-116441号公報
2. 特開平 3- 78178号公報
3. 特開昭58-211343号公報
4. 特開昭61-248250号公報
5. 特開平 2- 56750号公報

先行技術文献調査結果の記録

・調査した分野 IPC第7版 G11B7/00-7/013、7/24、7/26

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

この拒絶理由通知書についてお問い合わせのあるときは下記までご連絡ください
特許庁特許審査第四部情報記録

齊藤 健一、ゆずりは 広行

TEL03-3581-1101 (内線3550)

発送番号 381175

発送日 平成14年11月19日 3 / 3

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